

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Writ Miscellaneous Application No. 242/2023

Om Prakash Gupta S/o Ram Narayan Gupta, Aged About 58 Years, R/o Plot No. 9, New Market, Rawatbhata Bazar, Rawatbhata, Distt. Chittorgarh (Rajasthan).

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Local Self Government, Government Of Rajasthan, Jaipur (Raj.)
2. Sub Divisional Officer, Rawatbhata, District Chittorgarh (Rajasthan).
3. The Tehsildar, Rawatbhata, District Chittorgarh (Rajasthan).
4. The Municipal Board, Rawatbhata, District Chittorgarh Through The Executive Officer.
5. The Sarpanch, Gram Panchayat Charbhuja, Tehsil Rawatbhata, District Chittorgarh (Rajasthan).

----Respondents

Connected With

S.B. Writ Miscellaneous Application No. 239/2023

Gulab Chand Gupta S/o Ram Narayan Gupta, Aged About 63 Years, D-24, D Road, Heavy Water Colony, Bhabhanagar, Rawatbhata, Distt. Chittorgarh (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Local Self Government, Government Of Rajasthan, Jaipur (Raj.).
2. Sub Divisional Officer, Rawatbhata, District Chittorgarh (Rajasthan).
3. The Tehsildar, Rawatbhata, District Chittorgarh (Rajasthan).
4. The Municipal Board, Rawatbhata, District Chittorgarh Through The Executive Officer.
5. The Sarpanch, Gram Panchayat Charbhuja, Tehsil Rawatbhata, District Chittorgarh (Rajasthan).

----Respondents

S.B. Writ Miscellaneous Application No. 240/2023

Dinesh Kumar Gupta S/o Radheyshyam Gupta, Aged About 53 Years, R/o Plot No. 9, New Market, Rawatbhata, Distt. Chittorgarh (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Local Self Government, Government Of Rajasthan, Jaipur (Raj.)

2. Sub Divisional Officer, Rawatbhata, District Chittorgarh (Rajasthan)
3. The Tehsildar, Rawatbhata, District Chittorgarh (Rajasthan).
4. The Municipal Board, District Chittorgarh Through The Executive Officer.
5. The Sarpanch, Gram Panchayat Charbhuja, Tehsil Rawatbhata, District Chittorgarh (Rajasthan).

----Respondents

S.B. Writ Miscellaneous Application No. 243/2023

Nirmala Gupta W/o G.c.gupta, Aged About 54 Years, R/o D-24, D Road, Heavy Water Colony, Bhabhanagar, Rawatbhata, Distt. Chittorgarh (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Local Self Government, Government Of Rajasthan, Jaipur (Raj.)
2. Sub Divisional Officer, Rawatbhata, District Chittorgarh (Rajasthan)
3. The Tehsildar, Rawatbhata, District Chittorgarh (Rajasthan)
4. The Municipal Board, Rawatbhata, District Chittorgarh Through The Executive Officer.
5. The Sarpanch, Gram Panchayat Charbhuja, Tehsil Rawatbhata, District Chittorgarh (Rajasthan)

----Respondents

For Petitioner(s)	:	Mr. Abhinav Pareek for Mr. Devkinandan Vyas
For Respondent(s)	:	None Present

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

20/04/2026

1. The matter is taken up in the second round; however, no one appears on behalf of the respondents.
2. The instant misc. applications have been filed seeking recalling of the judgment dated 22.09.2023 passed by this Court, on the ground that the revenue authorities and the Municipal

Board, Rawatbhata or any Gram Panchayat, Charbhuja have not contradicted with the submissions made in the writ petition, and therefore, the same ought to have been treated as correct.

3. This Court finds that the judgment sought to be recalled was rendered after due consideration of the entire factual and legal matrix, wherein it was, inter alia, observed that the pattas in question stood cancelled vide order dated 26.02.1993, which had attained finality, and the challenge thereto was laid only in the year 2023, after an inordinate and unexplained delay of about 3 decades. It was further held that, in absence of any subsisting valid right, the possession of the petitioners amounted to encroachment over government land, and the competent authorities had acted within their statutory powers in removing the same.

3.1. In such circumstances, mere absence of rebuttal by the respondents or non-controversion of the pleadings does not, by itself, entitle the petitioners to relief, nor can it be a ground to recall a reasoned judgment founded on independent judicial scrutiny. The petitioners have thus failed to make out any case warranting interference in recall jurisdiction.

4. This Court notes that it is well settled that the jurisdiction for recalling is a limited one, to be exercised only in cases of patent error apparent on the face of record or where the order has been obtained by fraud or passed without affording opportunity of hearing. The same cannot be invoked to re-agitate issues already adjudicated on merits.

5. In the present case, the petitioners have not demonstrated any such exceptional circumstance warranting recall. The grounds raised merely seek a re-appreciation of the case, which is impermissible in exercise of recall jurisdiction.

6. Consequently, no case is made out for interference with the judgment dated 22.09.2023.

7. Accordingly, the instant miscellaneous applications stand dismissed

(DR.PUSHPENDRA SINGH BHATI),J.